

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

VERNELL CHAPMAN
540 Main Street
Dundalk, Maryland 21222

Plaintiff

v.

UNITED STATES OF AMERICA

Serve: Brian Boynton, Esquire
United States Attorney
(or civil process clerk)
District of Maryland
36 S. Charles Street, 4th Floor
Baltimore, Maryland 21201

Merrick Garland, Esquire
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Defendant

Case No.:

COMPLAINT

COMES NOW Plaintiff, Vernell Chapman through counsel, John J. Cord and Posner & Cord, LLC, and for causes of action, sues Defendant the United States of America, and states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this federal claim pursuant to the Federal Claims Act, 28 United States Code ("USC") §§ 2671 *et seq.*, and 28 USC 1331.
2. Venue is proper before this Court pursuant to 28 USC § 1391(b)(2).

THE PARTIES

3. Plaintiff is a citizen and resident of Baltimore County, Maryland.

4. Defendant United States of America is a governmental entity.

FACTUAL BACKGROUND

5. On January 13, 2020, Plaintiff was the passenger in an ambulance traveling at the intersection of Erdman Avenue and Pulaski Highway in Baltimore, Maryland.

6. At the same date and time, a vehicle operated by Deputy Marshal Daryl Diamond, the actual and/or apparent agent, servant and/or employee of the United States of America and the United States Marshals Service (collectively, United States) was the driver of a vehicle traveling on directly behind the ambulance. That vehicle collided into the rear of the ambulance.

7. Defendant is at fault for the collision. Plaintiff was acting in a careful and prudent matter without any negligence contributing to the collision.

**COUNT I
NEGLIGENT ENTRUSTMENT
(UNITED STATES OF AMERICA)**

8. Plaintiff hereby incorporates by reference and realleges all paragraphs within this Complaint as if fully set forth herein.

9. Deputy Marshal Daryl Diamond was acting within the scope of his employment with Defendant United States of America and United States Marshals Service, or else he was a permissive driver at the time of the collision.

10. Deputy Marshal Daryl Diamond was a reckless and incompetent driver at the time of the collision.

11. Defendant United States knew or should have known that Defendant Diamond was a reckless and incompetent driver on the day of the collision.

12. Despite such knowledge, Defendant United States negligently permitted Defendant Diamond to operate a vehicle within its control, and negligently entrusted that vehicle to Defendant Diamond.

13. As a direct result of the automobile collision and Defendant United States' negligence, Plaintiff suffered physical injuries and conscious pain and suffering; and incurred medical expenses and other damages.

14. All of the Plaintiff's damages were proximately caused by the negligence of Defendant United States of America, and were incurred without contributory negligence or assumption of the risk on the part of the Plaintiff, and without an opportunity for Plaintiff to avoid the collision.

WHEREFORE, Plaintiff, Vernell Chapman demands judgment against Defendant, United States of America in the amount of one million dollars, plus costs, pre-judgment interest and post-judgment interest.

COUNT II
RESPONDEAT SUPERIOR
(UNITED STATES OF AMERICA)

15. Plaintiff hereby incorporates by reference and realleges all paragraphs within this Complaint as if fully set forth herein.

16. Deputy Marshal Diamond was acting within the scope of his employment, or as the agent or servant, with Defendant United States of America at the time of the collision.

17. As a direct result of the automobile collision and Deputy Marshal's negligence, Plaintiff suffered physical injuries and conscious pain and suffering; and incurred medical expenses and other damages.

18. All of the Plaintiff's damages were proximately caused by the negligence of Deputy Diamond, for which Defendant United States of America is responsible, and were incurred without contributory negligence or assumption of the risk on the part of the Plaintiff, and without an opportunity for Plaintiff to avoid the collision.

WHEREFORE, Plaintiff, Vernell Chapman demands judgment against Defendant, United States of America in the amount of one million dollars, plus costs, pre-judgment interest and post-judgment interest.

Respectfully submitted,

POSNER & CORD, LLC

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